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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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U.S. PATENT DOCUMENTS

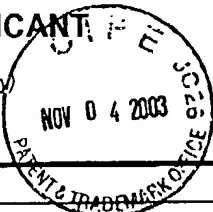
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| A.J.L. | A | 5,720,966 | 2/24/98 | Ostendorf | |
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| | C | 35,408 | 12/96 | Petruson | |
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| | F | 3,567,118 | 3/71 | Shepherd et al. | |
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| | I | 3,710,799 | 1/73 | Caballero | |
| | J | 3,846,404 | 11/74 | Nichols | |
| | K | 3,909,444 | 9/75 | Anderson et al. | |
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| A.J.L. | X | 4,386,135 | 5/31/83 | Campbell et al. | |
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**INFORMATION DISCLOSURE
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Sheet 2 of 11

ATTY. DOCKET NO.
D0968-00044APPLICATION NO.
10/676,520FIRST NAMED APPLICANT
Cronk, Peter J.EXAMINER
Not yet assignedFILING DATE
Sept 30, 2003GROUP
Not yet assigned

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| | AA | 4,492,644 | 1/85 | Matsumoto et al. | |
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**INFORMATION DISCLOSURE
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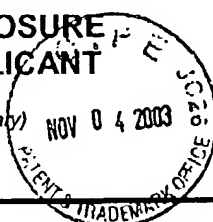
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Sheet 3 of 11

ATTY. DOCKET NO.
D0968-00044APPLICATION NO.
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 4 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



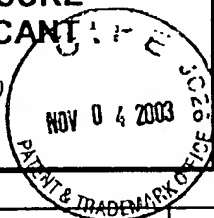
| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| | CK | | WO 98/32403 | 30.07.98 | PCT | x | |
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| | CM | | WO92/14607 | 3SEP92 | PCT | X | |
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| | CW | | WO98/06360 | 2/19/98 | | | |

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| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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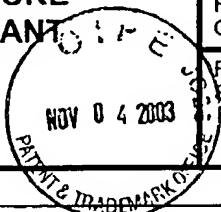
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| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published. | T |
|----------------------|-------------|---|---|
| | CX | Written Opinion dated 13 JUN 2002 | |
| | CY | International Search Report dated 2 June 2000 | |
| | CZ | CNS, Inc. prospectus dated March 29, 1996 (highlighted page 25) | |
| | DA | Buchbauer G., Jirovetz L., Jaeger W., Plank C., Dietrich H., Title "Fragrance Compounds and Essential Oils with Sedative Effects Upon Inhalation", Source: Journal of Pharmaceutical Sciences 82 (6), 1993, pgs. 660-664. (Abstract only) | |
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| | DD | Jungnickel P.W., Shaefer M.S., Maloley P.A., Campbell J.R., Shawaryn G.G., Goris G.B., Oliphant T.H., Title "Blind Comparison of Patient Preference for Flavored Colestid Granules and Questran Light", Source: Annals of Pharmacotherapy 27 (6), 1993, pgs. 700-703. (Abstract only) | |
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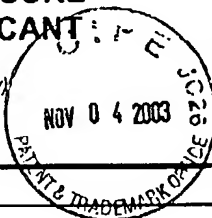
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 6 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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| DJ | Lis Balchin, Hart S., Title: A Preliminary Study of the Effect of Essential Oils on Skeletal and Smooth Muscle in Vitro, Source: Journal of Ethnopharmacology 58(3), 1997, pgs. 183-187. (Abstract only) |
| DK | Lindsay W.R., Pitcaithly D., N. Buntin., L. Broxholme, S. Ashby M., Title "A Comparison of the Effects of Four Therapy Procedures on Concentration and Responsiveness in People with Profound Learning Disabilities", Source: Journal of Intellectual Disability Research 41 (3), 1997, pgs. 201-207. (Abstract only) |
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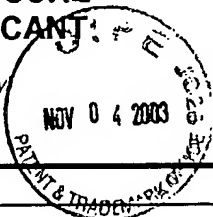
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| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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| | DY | Miles M.V., Balasubramanian R., Pittman A.W., Grossman S.H., Pappa K.A., Smith M.F., Wargin W.A., Findlay J.W.A., Poust R.J., Frosolono M.F., Title "Pharmacokinetics of Oral and Transdermal Triprolidine", Source: Journal of Clinical Pharmacology 30 (6), 1990, pgs. 572-575. (Abstract only) | |
| | DZ | B. Petruson, Title: "Two New Ways for Nasal Administration of Drugs with the Nasal Dilator Nozoven", Source: ENT-Department, University of Göteborg, Sahlgren's Hospital, 413 45 Göteborg, Sweden | |
| | EA | "Breathe Right" Nasal Strips, Manufactured by CNS, Inc., Chanhassen, MN | |
| | EB | Article entitled "New Device Offers Relief for Snorers" | |
| | EC | Hornung et al., "Effect of Nasal Dilators on Perceived Odor Intensity", Chem. Senses 22:177-180, April 1997 | |
| | ED | Hornung et al., "Effect of Nasal Dilators on Olfaction: I Nasal Structure and Sniffing Strategies", pp 1-8, unpublished | |
| | EE | Hornung et al., "Effect of Nasal Dilators on Olfaction: II Threshold, Intensity and Identification", pp 1-7, unpublished | |
| | EF | 3M-CNS, Inc., Distribution Agreement dated August 2, 1995 | |
| | EG | Letter from Ronald S. Spangler, Ph.D (Managing Director of Emerging Growth Equities, LLC) to Richard E. Jahnke (CNS, Inc.) dated August 27, 1996 | |
| | EH | Memo from John Neveaux (JLN Associates) to Andy Anderson dated October 30, 1992 | |
| | EI | Letter from Daniel E. Cohen, M.D. (Chairman & CEO of CNS, Inc.) to Ronald S. Spangler, Ph.D (Emerging Growth Equities, LLC) dated September 9, 1996 | |
| | EJ | Kleenex® Cold Care™ with Menthol box (copyright notice 1986 and 1996) | |
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| EXAMINER | <i>Harold Lee</i> | DATE CONSIDERED | <i>6/25/04</i> |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 9 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
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| | | | |
| EXAMINER | Barbara J. Lunn | | DATE CONSIDERED 10/25/04 |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 10 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



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| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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|----------------------|-------------|--------|-----------------|---------|--|---|---|
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| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published. | T |
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| | | | |
| EXAMINER | <i>David J. Lew</i> | | DATE CONSIDERED <i>6/25/04</i> |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | |

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 11 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| <i>AL</i> | FJ | 2,857,356 | Goodwin | 10/21/58 | |
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| <i>AL</i> | FM | 2,498,338 | Martin | 02/21/50 | |
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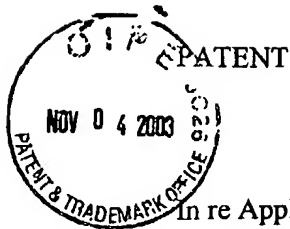
FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. | Office | DOCUMENT NUMBER | COUNTRY | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear | T |
|----------------------|-------------|--------|-----------------|---------|--|---|-----|
| | FN | | JP 7-48250 | JAPAN | Feb 21, 1995 | | Yes |

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provided.

OTHER DOCUMENTS

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| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published. | T |
| | | | |
| EXAMINER <i>Barbara J. Pen</i> | | | DATE CONSIDERED <i>6/25/04</i> |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | |



ATTORNEY DOCKET: D0968-00044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter J. Cronk; Kristen Cronk

Serial No.: 10/676,520

Filed: September 30, 2003

For: Adhesively Applied External Nasal Strips and Dilators Containing Medications and Fragrances

I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

ON October 31, 2003
BY Mary LaGrange

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

☐ Together with the present application.

☒ Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]

☐ After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. [37 CFR §1.97(c)]. (Either the fee or certification is provided, as set forth below).

☐ After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. [37 CFR §1.97(d)]. The fee and certification are provided, as set forth below).

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

☒ No separate requirements are needed.

☒ No additional fee is required.

Fee Under 37 CFR § 1.97(c) or 1.97(d)

☐ The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

Certification Under 37 CFR § 1.97(e)

The undersigned certifies:

☐ 1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ 2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Provision of Copies of References

☐ A copy of each of the references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

☐ A translation of Reference _____ is enclosed herewith and forms a part hereof.

☐ A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

☐ A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.

Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted

[X] This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Patent Application No. Serial No. 10/859,319, filed May 17, 2001, which is a continuation of application Serial No. 09/099, 825, filed June 18, 1998, which is a continuation-in-part of application Serial No. 08/942,797, filed October 2, 1997, which is a continuation of application Serial No. 08/791,760, filed January 29, 1997, now U.S. Patent No. 5,706,800. All of the references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application:

[X] The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Date: 10.31.03

Respectfully submitted,



Peter J. Cronk

Registration No. 32,021

DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
215-979-1250 tel
215-979-1020 fax

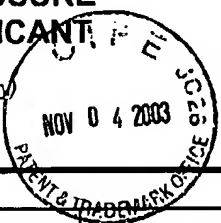
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| Substitute for form 1449A/PTO | | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |

Sheet 1 of 11

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| Substitute for form 1449/APTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 2 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



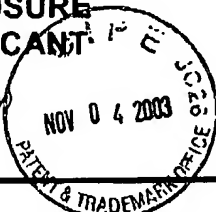
| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

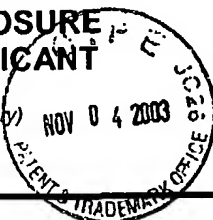
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Sheet 3 of 11

ATTY. DOCKET NO.
D0968-00044APPLICATION NO.
10/676,520FIRST NAMED APPLICANT
Cronk, Peter J.EXAMINER
Not yet assignedFILING DATE
Sept 30, 2003GROUP
Not yet assigned

| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 4 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



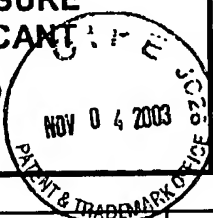
| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| | CW | | WO98/06360 | 2/19/98 | | | |

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 5 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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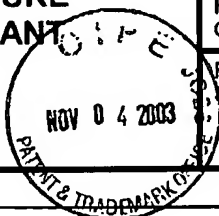
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|----------------------|-------------|---|---|
| | CX | Written Opinion dated 13 JUN 2002 | |
| | CY | International Search Report dated 2 June 2000 | |
| | CZ | CNS, Inc. prospectus dated March 29, 1996 (highlighted page 25) | |
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| Substitute for form 1449A/PTO | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |

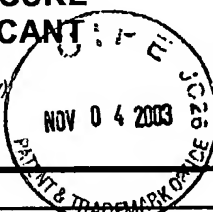
Sheet 6 of 11



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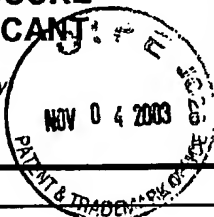
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| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 7 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |
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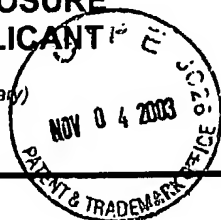
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| DZ | B. Petruson, Title: "Two New Ways for Nasal Administration of Drugs with the Nasal Dilator Nozoven", Source: ENT-Department, University of Göteborg, Sahlgren's Hospital, 413 45 Göteborg, Sweden |
| EA | "Breathe Right" Nasal Strips, Manufactured by CNS, Inc., Chanhassen, MN |
| EB | Article entitled "New Device Offers Relief for Snorers" |
| EC | Hornung et al., "Effect of Nasal Dilators on Perceived Odor Intensity", Chem. Senses 22:177-180, April 1997 |
| ED | Hornung et al., "Effect of Nasal Dilators on Olfaction: I Nasal Structure and Sniffing Strategies", pp 1-8, unpublished |
| EE | Hornung et al., "Effect of Nasal Dilators on Olfaction: II Threshold, Intensity and Identification", pp 1-7, unpublished |
| EF | 3M-CNS, Inc., Distribution Agreement dated August 2, 1995 |
| EG | Letter from Ronald S. Spangler, Ph.D (Managing Director of Emerging Growth Equities, LLC) to Richard E. Jahnke (CNS, Inc.) dated August 27, 1996 |
| EH | Memo from John Neveaux (JLN Associates) to Andy Anderson dated October 30, 1992 |
| EI | Letter from Daniel E. Cohen, M.D. (Chairman & CEO of CNS, Inc.) to Ronald S. Spangler, Ph.D (Emerging Growth Equities, LLC) dated September 9, 1996 |
| EJ | Kleenex® Cold Care™ with Menthol box (copyright notice 1986 and 1996) |
| EK | Zheng G.Q., Kenney P.M., Zhang J., Lam L.K.T., Title "Inhibition of Benzo-A-Pyrene-Induced Tumorigenesis by Myristicin A Volatile Aroma Constituent of Parsley Leaf Oil", Source: Carcinogenesis (Eynsham) 13 (10), 1992, pgs. 1921-1923. (Abstract only) |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 8 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



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| EXAMINER | <i>David J. Lee</i> | DATE CONSIDERED | <i>6/25/04</i> |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 9 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 10 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> Sheet 11 of 11 | ATTY. DOCKET NO. D0968-00044 | APPLICATION NO. 10/676,520 |
| | FIRST NAMED APPLICANT Cronk, Peter J. | EXAMINER Not yet assigned |
| | FILING DATE Sept 30, 2003 | GROUP Not yet assigned |



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| | FN | | JP 7-48250 | JAPAN | Feb 21, 1995 | | Yes |

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